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19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

21 Bruce Pierce,

22 Plaintiff,

23 vs.

24 Hartford Life & Accident Insurance
25 Company; Pacific Gas Transmission
26 Company Long Term Disability Plan,

27 Defendants.

Case No. C 07-06016 SC

**STIPULATION AND REQUEST FOR
ORDER MODIFYING BRIEFING
SCHEDULE FOR DISPOSITIVE
MOTION; [PROPOSED] ORDER**

1 Plaintiff Bruce Pierce ("Plaintiff") and Defendants Hartford Life & Accident Insurance
2 Company and Pacific Gas Transmission Company Long Term Disability Plan (collectively
3 "Defendants"), by and through their respective counsel of record, hereby stipulate to and request
4 an order modifying the normal briefing schedule for dispositive motions in this matter, as
5 follows:

6 1. Pursuant to the Court's March 7, 2008, scheduling order issued in this matter, trial
7 is scheduled for January 5, 2009, the pretrial conference has been scheduled for December 19,
8 2008, and the last day for a hearing on dispositive motions is November 21, 2008.

9 2. Based on a hearing date of November 21, 2008, the last day to file dispositive
10 motions normally would be October 17, 2008.

11 3. Defendants intend to file a dispositive motion; Plaintiff does not.

12 3. The parties have scheduled private mediation in this matter on October 16, 2008,
13 with Denise Madigan of ADR Services, Inc., in Los Angeles, California.

14 4. The parties are hopeful that they will be able to resolve this case through
15 mediation. They believe the chances for resolving the case in mediation will be maximized if
16 they can avoid the spending attorney's fees on the dispositive motion.

17 5. Therefore, in order to increase the likelihood of a resolution, the parties have
18 agreed to modify the normal briefing schedule for a dispositive motion in this matter, as set forth
19 below, so the parties may attend the mediation before incurring the cost of briefing such a
20 motion.

21 6. This is the parties' first request for any scheduling modification and the
22 modification requested will not affect the pre-trial conference date or trial date.

23 WHEREFORE, the parties hereby stipulate (and request an order) as follows:

24 1. Defendants' motion for summary judgment, if any, shall be filed no later than
25 October 31, 2008;

26 2. Plaintiff's opposition to Defendants' motion for summary judgment shall be filed
27 no later than November 14, 2008;

3. Defendants waive the right to a reply brief;

4. Defendants' motion for summary judgment shall set for hearing at 10:00 a.m. on November 21, 2008.

IT IS SO STIPULATED.

Dated: September 19, 2008

KANTOR & KANTOR LLP

By: /s/ Peter S. Sessions
Peter S. Sessions
Attorney for Plaintiff

Dated: February 28, 2008

KELLY HOCKEL & KLEIN P.C.

By: /s/ Thomas K. Hockel
Thomas K. Hockel
Attorney for Defendants

[PROPOSED] ORDER

Having considered the parties' stipulation, and good cause appearing therefor, the Court hereby orders as follows:

1. Defendants' motion for summary judgment, if any, shall be filed no later than October 31, 2008;

2. Plaintiff's opposition to Defendants' motion for summary judgment shall be filed no later than November 14, 2008;

3. Defendants waive the right to a reply brief;

4. Defendants' motion for summary judgment shall set for hearing at 10:00 a.m. on November 21, 2008.

IT IS SO ORDERED.

Dated: 9/22/08

